

EDWARD H. KUBO, JR. #2449
 United States Attorney
 District of Hawaii

DARREN W.K. CHING #6903
 Assistant U.S. Attorney
 PJKK Federal Bldg.
 300 Ala Moana Blvd. Rm # 6-100
 Honolulu, Hawaii 96850
 Telephone: (808) 541-2850
 Facsimile: (808) 541-2958
 E-mail: Darren.Ching@usdoj.gov

Attorneys for Plaintiff
 UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) CR. NO. 04-00053 DAE
)
Plaintiff,	) STIPULATION AND ORDER
	) CONTINUING TRIAL DATE AND
	) EXCLUDING TIME UNDER THE
	) SPEEDY TRIAL ACT
vs.)
)
SILVER JOSE GALINDO,	) OLD TRIAL DATE: Nov. 6, 2007
(a.k.a. DANIEL S. GALINDO)	) NEW TRIAL DATE: Jan. 8, 2008
(a.k.a. TIMOTHY MAU)	) (As to Counts 1, 2, 3, 4, 8, 9, 10, and 11)
Defendant.)
	) NEW TRIAL DATE: Jan. 29, 2008
	) (As to Counts 5, 6, and 7)

STIPULATION CONTINUING TRIAL DATE AND
 EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

A. The United States of America and the Defendant, SILVER JOSE GALINDO, a.k.a. DANIEL S. GALINDO, a.k.a. TIMOTHY MAU, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from November 6, 2007 to January 8, 2008 for Counts

1, 2, 3, 4, 8, 9, 10, and 11; and from November 6, 2007 to January 29, 2008 for Counts 5, 6, and 7 from computation under the Speedy Trial Act. The reason for the continuance is to allow defense counsel to adequately prepare for trial which includes *inter alia*: the securing and consultation with expert witnesses and trial preparation. Given this stipulation, the Defendant agrees to provide the Government with expert reports by December 3, 2007. Additionally, if the Government needs to hire and consult its own experts to respond to the Defendant's experts, the Defendant will agree to a continuance to allow this.

B. The parties further agree that the ends of justice served by the continuance outweigh the best interests of the Defendant and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely to result in a miscarriage of justice.

2. The failure to grant the continuance would unreasonably deny the Defendant continuity of counsel and deny counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

C. The parties further agree that the period of time from November 6, 2007 to and including January 8, 2008 for Counts 1, 2, 3, 4, 8, 9, 10, and 11; and from November 6, 2007 to and including January 29, 2008 for Counts 5, 6, and 7, constitutes

periods of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED: November 2, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Darren W.K. Ching
By _____
DARREN W. K. CHING
Assistant U.S. Attorney

/s/ Jack Schweigert

JACK SCHWEIGERT, ESQ.
Attorney for Defendant
SILVER JOSE GALINDO,
a.k.a. DANIEL S. GALINDO,
a.k.a. TIMOTHY MAU

ORDER CONTINUING TRIAL AND EXCLUDING SPEEDY TRIAL ACT TIME

The above Stipulation Continuing Trial Date And Excluding Time Under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial for Counts 1, 2, 3, 4, 8, 9, 10, and 11 are set for January 8, 2008.

(2) the jury selection and trial for Counts 5, 6, and 7 are set for January 29, 2008.

IT IS FURTHER ORDERED that the period of time from November 6, 2007 to and including January 8, 2008 for Counts 1, 2, 3, 4, 8, 9, 10, and 11; and November 6, 2007 to and including January 29, 2008 for Counts 5, 6, and 7, constitutes periods of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED December 11, 2007, at Honolulu, Hawaii.





David Alan Ezra
United States District Judge

USA v. SILVER JOSE GALINDO

Cr. No. 04-00053 DAE

"Stipulation and Order Continuing Trial Date and Excluding Time under the Speedy Trial Act"